

**Chapter 7**  
**Recordkeeping and Reporting Requirements**

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## **I. Overview**

Section 8 of the NVRA requires states to keep and make available for public inspection for a period of two years, all records concerning the implementation of accurate and current voter registration lists. However, the NVRA requires records relating to a person's decision not to register to vote or the specific agency through which a person registered to vote to be kept confidential.

The records each state keeps under the NVRA must include lists of the names and addresses of voters who are sent confirmation notices and whether or not each voter responded to the confirmation notice.

Under the NVRA, as originally passed by Congress, states had reporting responsibilities to the Federal Elections Commission, which in turn reported biennially to Congress on the impact of the NVRA. With the passage of the Help America Vote Act (HAVA) of 2002, these reporting responsibilities were transferred from the Federal Election Commission to the United States Election Assistance Commission (EAC).

In order to meet its Congressional reporting responsibilities, the EAC has developed a state survey and requires the Secretary of State's office to submit its statewide report by March 31<sup>st</sup> of each odd-numbered year. The EAC survey gathers data on the number of voter registration applications by mail from motor vehicle offices, public assistance offices, offices providing state-funded programs primarily serving people with disabilities, Armed Forces recruitment offices, and other offices designated by states under the NVRA as voter registration agencies. States also report voter registration list maintenance information in response to the EAC survey every two years.

## **II. Information Collected and Reported**

Federal regulations require the information below to be included in state reports to the EAC. The Secretary of State gathers this information from the counties and compiles one comprehensive report for the state of California.

- A. The total number of registered voters statewide, including both active and inactive voters, in the federal general election two years prior to the most recent federal general election. HAVA requires that both are reported for those states that make a distinction between active and inactive voters. (Please refer to Chapter 5 on list maintenance for a more complete description of active and inactive voters.)

- B. The total number of registered voters statewide, including both active and inactive voters, in the most recent federal election.
- C. The total number of new valid registrations accepted between the past two federal general elections, including all registrations that are new to the county and re-registrations across county lines, but excluding all applications that are duplicates, rejected, or report only a change of name, address, or party preference within the same jurisdiction.
- D. The total number of registrants that were considered inactive at the close of the most recent federal general election.

County elections officials report to the Secretary of State the total number of voters who remain on the inactive section of the voter roll after the federal general election preceding their report. For example, this would be the number of voters in the inactive portion of the voter roll after re-activation of those inactive voters who voted a provisional ballot in that federal general election. (See Chapter 6 on provisional voting.)

- E. The total number of registrations that were deleted from the registration list, including both active and inactive voters between the past two federal general elections.

County elections officials report to the Secretary of State the total number of voters removed from the voter rolls for any of the following reasons:

1. death;
2. imprisoned or on parole for the conviction of a felony;
3. declared mentally incompetent;
4. moved outside the county; or
5. direct notice by the voter to the elections office, DMV, or other agency regarding a change of address to a new county or requesting removal from the voter roll; or
6. NVRA Section 8(d)(2) notice and removal process. (See Chapter 5 on list maintenance.)

- F. The number of registration applications received (regardless of whether they were valid, rejected, duplicative, or indicated address, name or party preference changes) from or generated by each of the following categories:

1. Mail

County elections officials report to the Secretary of State the number of Voter Registration Cards (VRC) from applicants residing in the county. The total number includes those VRCs forwarded from other county elections offices and the Secretary of State. This number does not include VRCs generated by the Department of Motor Vehicles (DMV) or other NVRA-designated voter registration agencies.

2. DMV

County elections officials report VRCs received from the DMV as follows:

- a. VRCs submitted to DMV field offices in the county for voters who reside in the county;
- b. VRCs submitted to DMV offices in other counties, for voters who reside in the county; and
- c. Intra-county changes of address notices received from the DMV.

3. Public Assistance Agencies

- County offices which accept applications and administer benefits for the CalFresh program, formerly known as Food Stamps, and the California Work Opportunity and Responsibility to Kids (CalWORKs) program which replaced the Aid to Families with Dependent Children (AFDC) program.
- County offices which accept applications and administer benefits for the Medi-Cal program.
- County offices and community based non-profit organizations under contract with the Department of Public Health, formerly the Department of Health Services, which accept applications and administer benefits for the Women, Infants and Children (WIC) nutrition program.
- County offices which accept applications and administer benefits for the Home Supportive Services Program.

4. State-Funded Agencies Primarily Serving Persons with Disabilities
    - Offices of the State Department of Rehabilitation which provide vocational rehabilitation services.
    - Independent Living Centers
    - Department of Developmental Services Regional Centers
    - Offices of contractors with the Department of Social Services, Office of Deaf Access, which provide services to the deaf.
    - State and County Mental Health Providers
  5. Armed Forces Recruitment Offices
  6. Other Agencies Designated by the State under NVRA
    - Franchise Tax Board district offices which provide public access for income tax and Homeowner and Renter Assistance forms, instructions and assistance.
    - State Board of Equalization offices which serve the public.
- G. The total number of duplicate registration applications received between the past two federal general elections in the appropriate elections office and generated by each of the categories described in section (F) 1 through 6.

For NVRA purposes, “duplicate” registration application means a VRC from a person already registered to vote at the same address, under the same name, and with the same political party preference.

- H. The number of confirmation notices mailed out between the past two federal general elections and the number of responses received to these notices during the same period. (See Chapter 5 on list maintenance.)

### **III. Tracking and Reporting Registrations at NVRA Agency Offices**

- A. County elections officials will distribute, from their regular stock, VRCs to the NVRA non-DMV designated agencies.
- B. County elections officials will be responsible for tracking ranges of VRC numbers assigned to each agency. (Note: the agencies, in

turn, may want to track which batch they provide to each of their programs or sites.)

- C. County elections officials may want to track the number of these cards that are returned from each agency office. This will help identify those agencies that are doing well, and those agencies that need further training in assisting applicants to properly complete VRCs.

**Note:** The NVRA requires that States ensure that the identity of the voter registration agency through which a voter is registered is not disclosed to the public. This provision requires that local elections officials and NVRA-designated voter registration agencies establish procedures to ensure that such disclosure does not take place.

#### **IV. Information Maintained and Disclosed to the Public**

The NVRA requires states to maintain for a minimum of two years and “make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official list of eligible voters, except to the extent that such records relate to a declination to register to vote or to identify a voter registration agency through which any particular voter is registered.” The NVRA provides that these records shall include “lists of the names and addresses” of all persons to whom NVRA Section 8(d)(2) notices have been sent and information concerning whether the person has responded to such notice.

#### **V. Additional Information**

In addition to the above information, the Secretary of State asks county elections officials to report, in narrative form, any comments or suggestions they may have for improving NVRA efforts to meet the goals and intent of the NVRA.